

-PSO-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JULIUS MARKS, 191094 C2-30A,

Plaintiff,

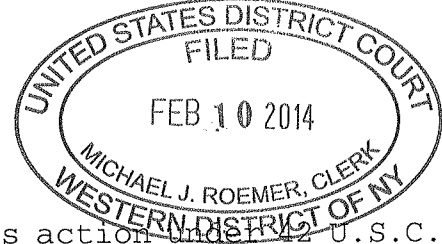
-v-

OFFICER M. KEETON,

Defendant.

14-CV-48A

ORDER



Plaintiff Julius Marks has brought this action under 28 U.S.C. § 1983, complaining that his constitutional rights were violated by a correctional officer at the Easterling Correctional Facility, Clio, Alabama, where he is incarcerated. Because the Easterling Correctional Facility is located within the geographical confines of the Middle District of Alabama, the proper venue for this action is the United States District Court for the Middle District of Alabama District and venue is not proper in this District. See 28 U.S.C. § 1391(b). Pursuant to 28 U.S.C. § 1406(a), this action is ordered transferred to the United States District Court for the Middle District of Alabama, where plaintiff previously filed an action referenced in the instant complaint, and which appear to involve the same allegation against the same defendant as is set forth in the instant complaint, namely that the defendant touched him on his private parts. See Marks v. Keeton, et al., 2:13-CV-620-WHA (M.D. Ala. 2013), Docket No. 4 at 1-3 (Magistrate's

Recommendation dismissing complaint against defendant Keeton);
Docket No. 9 (adopting Magistrate's Recommendation).¹

The determination of the plaintiff's motion for permission to
proceed *in forma pauperis* has been left to the Middle District of
Alabama.

IT HEREBY IS ORDERED, that this matter is transferred to the
United States District Court for the Middle District of Alabama.

SO ORDERED

s/Michael A. Telesca
MICHAEL A. TELESCA
United States District Judge

Dated: February 7, 2014
Rochester, New York

¹The Court observes that plaintiff previously attempted to file an action
in this District which subsequently transferred to the Middle District of
Alabama. See Marks v. BR/M.P., et al., 12-CV-833M (Docket No. 3) (transferring
case); Marks v. B/R Wetumpka, 12-CV-933-WKW-WC (M.D. Ala. 2013) (case transferred
from Western District of New York). Plaintiff is advised to cease commencing
actions in the Western District of New York with respect to events which occur
in the Middle District of Alabama, where he is incarcerated, and which have no
connection to the Western District of New York.